

Serial No.: 09/220,986
Response to Office Action dated September 7, 2005
Page 12 of 15

Remarks/Arguments

In the Office Action dated September 7, 2005, the examiner makes final the requirement for restriction, leaving claims 34-37 and 39 pending for prosecution.

In the instant response, claims 1-33, 35-37, 39, and 46 are cancelled. Claims 38 and 61-63 were withdrawn in Applicant's June 20, 2005 response, and claims 40-60 have been deemed to be withdrawn in the September 7, 2005 action. Claims 34 and 40-63 are now pending. No new matter has been added to the prosecution of this application.

Claim Rejections – 35 USC §112

The Examiner rejected claims 34-35 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Claim 34 has been amended and claim 35 has been canceled rendering this rejection moot. In view of the claim amendment and cancellation, Applicant respectfully requests that the rejections to the claims under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejections – 35 USC §102

The Examiner rejected claim 36 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,866,145 (hereinafter "Stovraff"). The Examiner also rejected claim 36 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,943,432 (hereinafter "Biener"). Claim 36 was cancelled rendering these rejections moot.

Claim Rejections – 35 USC §103

The Examiner rejected claim 37 under 35 U.S.C. 103(a) as being unpatentable over Stovraff. Claim 37 was cancelled rendering these rejections moot.

Serial No.: 09/220,986
Response to Office Action dated September 7, 2005
Page 13 of 15

The Examiner rejected claims 34-35 under 35 U.S.C. 103(a) as being unpatentable over Stovraff, in combination with JP08104607. Claim 34 was amended and claim 35 was canceled. Stovraff in combination with JP08104607 fails to teach or suggest:

a topical composition comprising . . . a first ingredient comprising a water soluble lotion containing deionized water equal to about 58% to about 75% of said first ingredient wherein said remaining about 42% to about 25% of said first ingredient comprises a lipid-soluble component, an emulsifier component, an antioxidant component, a preservative component, a solvent component, a thickener component, a hydrophilic component, and a fragrance component . . . and a second ingredient comprising Dead Sea salts in an amount equal to about 10 parts Dead Sea salts to about 1 part said first ingredient, wherein said second ingredient comprises a solid phase, and wherein the combination of said first ingredient with said second ingredient results in a single phase topical composition comprising said Dead Sea salts completely dissolved in said deionized water.

Stovraff teaches a body polishing lotion comprising a mixture of Dead Sea salts, where the Dead Sea salts remain as a gritty solid component suspended in an oil emollient. *See*, col. 1, lines 41-46. This is different than Applicant's invention as claimed where the "Dead Sea salts [are] completely dissolved in said deionized water." Accordingly, Applicant respectfully requests withdrawal of this rejection.

The Examiner rejected claims 34-37, and 39, under 35 U.S.C. 103(a) as being unpatentable over GB1479199 in view of JP 8113530, Biener, or JP08104607, by themselves or in combination. Claim 34 was amended and claims 35-37 and 39 were canceled. GB1479199 in view of JP 8113530, Biener, or JP08104607, alone or in combination, fail to teach or suggest the particular combination of ingredients as now claimed in Applicant's invention and specifically fail to teach or suggest "a topical composition comprising a first ingredient comprising a water soluble lotion containing deionized water . . . and a second ingredient comprising Dead Sea salts, wherein said second ingredient comprises a solid phase, and wherein the combination of said first

Serial No.: 09/220,986
Response to Office Action dated September 7, 2005
Page 14 of 15

ingredient with said second ingredient results in a single phase topical composition comprising said Dead Sea salts completely dissolved in said deionized water.”

GB1479199 discloses a “composition for use in the cosmetic treatment of acne-affected skin comprising sodium chloride crystals in a base suitable for topical application, the crystals being present in an amount of from 30 to 60% by weight of discrete crystalline particles and being of a particle size sufficient to cause abrasion and debridement of acne-affected skin when rubbed on to the skin.” *See*, pg. 2, lines 60 – 68. This is distinctly different than the “single phase topical composition” now claimed in Applicant’s invention. Applicant respectfully requests withdrawal of this rejection.

Based on the foregoing, independent claim 34 as currently amended is not obvious in view of the cited prior art. Applicant respectfully requests reconsideration and allowance of amended claim 34.

Serial No.: 09/220,986
Response to Office Action dated September 7, 2005
Page 15 of 15

Conclusion

Applicant submits that, for at least the reasons stated above, the current amendment complies with the requirements set forth in 37 CFR 1.121. If any fees are due in connection with the filing of this paper, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #17649-20).

Dated: December 7, 2005

Respectfully submitted,

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